

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ENVIRONMENTAL PROTECTION
INFORMATION CENTER,

Plaintiff,

v.

U.S. FISH AND WILDLIFE SERVICE et
al.,

Defendants.

No. C 04-04647 CRB

**ORDER ENTERING STIPULATED
VOLUNTARY DISMISSAL**

Having reviewed the parties' February 3, 2006 Stipulated Voluntary Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1), and for good cause shown, the stipulated voluntary dismissal is entered and approved by the Court under the terms and conditions set forth in the stipulation, and as follows:

Claim 15 of plaintiffs' Supplemental Complaint is dismissed with prejudice; and

Claims 9 through 14 of plaintiffs' Second Amended Complaint are dismissed without prejudice. A dismissal with prejudice would preclude plaintiff from raising the same claims if the California Supreme Court rules that Proposition 64 does not apply retroactively.

IT IS SO ORDERED.

Dated: February 6, 2006



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California

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